



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/150156

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 21, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Sheboygan County Department of Human Services in regard to Medical Assistance, a hearing was held on July 23, 2013, at Sheboygan, Wisconsin.

The issue for determination is whether the agency properly determined the Petitioner is eligible for Medical Assistance after meeting a deductible of \$5,161.98 for the period of July 1, 2013 – December 31, 2013.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Jan Hinz

Sheboygan County Department of Human Services  
3620 Wilgus Ave  
Sheboygan, WI 53081

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Sheboygan County.

2. On June 5, 2013, the agency received the Petitioner's six month report form. The agency issued a request for verification of assets. On June 14, 2013, the Petitioner provided the requested information.
3. On June 17, 2013, the agency issued a Notice of Decision to the Petitioner informing him that he is eligible for MA after meeting a deductible of \$5,161.98 with a deductible period of July 1, 2013 – December 31, 2013.
4. The Petitioner has unearned income from Social Security of \$1,472/month.
5. On June 21, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

When an applicant's income is over the MA limit, an MA deductible, also known as a "spenddown", must be met before eligibility begins. Wis. Stat. § 49.47(4)(c)2; Wis. Admin. Code § DHS 103.08(2)(a); Medicaid Eligibility Handbook, App. 24.2. The "medically needy" income limit for a one-person household is \$591.67. Medicaid Eligibility Handbook, App. 39.5. MA deductibles are calculated for six-month periods. That is the only time period for such eligibility. A new deductible is then established for the next six months. Wis. Admin. Code § DHS 103.08(2)(c); Medicaid Eligibility Handbook, 24.3. The deductible is computed by multiplying the excess of countable monthly income over the income limit, by the six months in the deductible period. See, Medicaid Eligibility Handbook, 24.3.

I have reviewed the agency determination, and I do not find any error in this computation. Nor has the petitioner specifically pointed to any error. A \$20 disregard was applied to the Petitioner's gross monthly income of \$1,472 ( $\$1,472 - 20 = \$1,452$ ). The income limit is subtracted from that total ( $\$1,452 - \$591.67 = \$860.33$ ). That sum is multiplied by 6 months of the deductible period ( $\$860.33 \times 6 = \$5,161.98$ ). Therefore, the agency properly determined that, at present, the Petitioner is eligible for MA after meeting a deductible of \$5,161.98.

At the hearing, the Petitioner argued that his expenses should be considered in determining his deductible. The regulations do not provide for consideration of these expenses. I note that the Petitioner submitted copies of some medical expenses. Any medical expenses that the Petitioner pays or incurs during the deductible period that have not been applied to any prior deductible should be reported by the Petitioner to the agency for consideration in meeting the deductible. In addition, he may be entitled to choose the month to begin the six month deductible period. See, Medicaid Eligibility Handbook, 24.3. He would be well-advised to consult with an agency worker about the best month to choose for his individual case and medical bills.

### **CONCLUSIONS OF LAW**

The agency properly determined the Petitioner is eligible for Medical Assistance after meeting a deductible of \$5,161.98.

**THEREFORE, it is**

**ORDERED**

That the petition be, and hereby is, dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative

Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 3rd day of September, 2013.

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on September 3, 2013.

Sheboygan County Department of Human Services  
Division of Health Care Access and Accountability